

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DAVID HENRY CROWEL and)	
JENNIFER MICHELE CROWEL,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:06-CV-60
)	(Jarvis/Shirley)
CITY OF MADISONVILLE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 22] of the Honorable James H. Jarvis, United States District Judge, for disposition of Defendants' Motion to Compel and/or Dismiss [Doc. 21]. The Court held a telephonic hearing on this motion on December 20, 2006.

The defendants move for an Order compelling the plaintiffs to produce for inspection and copying all late-filed exhibits to the plaintiffs' depositions or, in the alternative, an Order dismissing the plaintiffs' case. [Doc. 21]. The parties advised the Court during the hearing that all of the requested late-filed exhibits either have been produced or the plaintiffs have represented that the exhibits do not exist and/or will not be relied upon at trial. As such, the parties agree that the motion to compel is now moot. Accordingly, the Defendants' Motion to Compel and/or Dismiss [Doc. 21] is **DENIED AS MOOT**.

In order to allow the District Court time to rule on the pending motion for summary judgment and to afford the parties the opportunity to engage in some form of alternative dispute

resolution, the Court finds that it is in the best interest of justice to continue the trial of this matter. Accordingly, the trial, which was previously scheduled to begin on January 30, 2007, is hereby **CONTINUED to May 22, 2007 at 9:00 a.m.**

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge